

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lisa Diane Ross,

Plaintiff,

v.

Nancy A. Berryhill, Acting Commissioner of
Social Security,

Defendant.

C/A No. 0:16-3632-PJG

ORDER

This social security action is before this court pursuant to 42 U.S.C § 405(g) for review of a final decision of the Commissioner of the Social Security Administration (“Commissioner”). The plaintiff, Lisa Diane Ross, who is self-represented, initiated this action and filed her Complaint on November 15, 2016. (ECF No. 1.) The Commissioner filed an Answer along with a transcript of record on November 26, 2014. (ECF Nos. 35 & 36.)

The Local Rules of this District state that, after the filing of an answer, a plaintiff has thirty (30) days in which to file a written brief. Local Civil Rule 83.VII.04 (D.S.C.). The plaintiff’s brief was due on or before August 7, 2017. On July 25, 2017, the plaintiff filed a motion requesting an extension of time which was granted by docket text order, thereby extending her time to file a brief until September 6, 2017. The plaintiff was specifically warned that if she failed to respond, this action may be dismissed with prejudice for failure to prosecute. See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b). Despite this warning, the plaintiff still did not respond. Because the plaintiff was proceeding *pro se*, the court issued a second order on September 18, 2017 giving the plaintiff an additional fourteen (14) days to file a brief. The plaintiff was again warned

that her failure to do so would result in the dismissal of her case for failure to prosecute. As of the date of this Order, the plaintiff has not filed a brief and has presented no argument as to why the decision by the Commissioner is not supported by substantial evidence. Therefore, the plaintiff meets all of the criteria for dismissal under Chandler Leasing Corp. v. Lopez, 669 F.2d 919 (4th Cir. 1982).

Accordingly, it is hereby

ORDERED that this action be dismissed with prejudice for lack of prosecution. See Davis, 588 F.2d at 70; Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989) (stating that magistrate judge's prior explicit warning that a recommendation of dismissal would result from the plaintiff failing to obey his order was proper grounds for the district court to dismiss the suit when the plaintiff did not comply despite the warning), cert. denied sub nom, Ballard v. Volunteers of America, 493 U.S. 1084 (1990); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

October 16, 2017
Columbia, South Carolina